

Remarks

In this paper, claims 1, 8 and 9 have been amended, and claims 17-25 are newly presented. Claims 1-25 are presented for examination.

Regarding the rejection of claim 8 under 35 U.S.C. §112, second paragraph, it is believed that the foregoing amendment to claim 8 renders the Final Office Action's objection to this claim as moot.

The Final Office Action also rejected claims 1-16 under 35 U.S.C. §103 in view of Tran et al. (US 6,103,316) combined with Dietz et al. (US 5,670,557). As the Office Action noted, the pressure sensitive adhesives disclosed by the Tran reference are not microemulsions. While the Office Action still appears to rely on Tran's disclosure of emulsion droplets of "less than 1 micrometer" to suggest a microemulsion domain, Tran clearly indicates that macroemulsions are being discussed when he states "[t]he homogeneous oil-in-water emulsion will preferably have a paste-like appearance." (Col. 12, lines 13 – 18). Moreover, Tran describes the use of thickeners without mentioning the possible use of a thickening agent comprising a polymer or copolymer of acrylic acid (see present claim 1) or a thickening agent comprising a solution of a polymer or copolymer of acrylic acid (e.g., claim 17). Moreover, Tran neither teaches nor suggests using a thickener comprising a solution of polyacrylic acid or in which the polyacrylic acid is of molecular weight between about 200,000 and about 800,000 (see claims 21 and 22). While Tran discloses polyacrylic acid as a possible suspending agent, nothing in that teaching describes specific molecular weights for the polyacrylic acid or having the polyacrylic acid in solution to also act as a thickener.

The Office Action relies on Dietz et al. as teaching a microemulsion which the Office Action asserts can be substituted for the macroemulsions disclosed by Tran. However, the substitution of the microemulsions of the Dietz references does not fill the above discussed shortcomings of the Tran reference. Before one skilled in the art could substitute the microemulsions of Dietz into the teachings of Tran, he / she would have to

ignore the teaching of Tran to use macroemulsions in the formulation. Moreover, Tran lacks any disclosure to suggest the need for the polyacrylic acid thickeners of the present invention.

In the present application, Applicant has succeeded in identifying a class thickening agents that are capable of working with microemulsions without disrupting their thermodynamic stability. Such a problem was not within the vision of the authors of the Tran reference. For at least the foregoing reasons, Applicant respectfully requests the reconsideration and withdrawal of the obviousness rejections based on the Tran and Dietz references.

The Final Office Action also rejected claims 1-16 as obvious under 35 U.S.C. §103 in view of Tran et al. (US 6,103,316) combined with Outubuddin (US 5,238,992). Again, Applicant respectfully traverses the rejection.

The shortcomings of the Tran reference are discussed above, and those comments are also applicable here. Outubuddin does not make up for the deficiencies of the Tran reference because Outubuddin describes the preparation of solid polymer blends having a controlled porosity. While Outubuddin describes the use of microemulsions, nothing within the teaching of the Outubuddin reference teaches or suggest the desirability of including a solution of a polymer or copolymer of acrylic acid as a thickener in coating out the compositions of that reference.

For at least the foregoing reasons, Applicant respectfully requests the reconsideration and withdrawal of the obviousness rejections based on the combination of the Tran and Outubuddin references.

Applicant has noted the additional comments of the Examiner on the cited references and has endeavored to address those comments with the above remarks. Additionally, Applicant notes that the amendments made to claims 1 and 9 were merely

to correct a typographical error that was noted in reviewing the pending claims prior to the preparation of this response.

Applicant has endeavored to address all of the issues raised in the Final Office Action of February 27, 2003. With this response, it is believed that the pending claims are in condition for allowance, and the allowance of the application is now solicited.

Respectfully submitted,

Date: May 27, 2003

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